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DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff/Appellant,

vs.

Case No.: CV 07-02952 WHA

**NOTICE OF TRANSCRIPTS TO BE
ORDERED AND STATEMENT OF
ISSUES ON APPEAL**

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants/Appellees.

And Related Counterclaims

I. TRANSCRIPTS DESIGNATED AND ORDERED

Appellants hereby give notice that the following transcripts of the proceedings below
will be designated for the record on appeal:

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DMSI Point Loma/2504

- August 16, 2007 hearing on defendants' Motion to Vacate Order of Arrest;
- January 3, 2008 hearing on defendants' Motion for Protective Order regarding the deposition of Chris Cohen;
- April 10, 2008 hearing on plaintiff's Motion for Summary Judgment;
- May 20, 2008 trial proceedings;
- May 22, 2008 trial proceedings;
- May 23, 2008 trial proceedings; and
- June 16, 2008 hearings on closing arguments after trial.

Of these transcripts, plaintiff has already ordered and received every one except, the April 10, 2008 hearing on plaintiff's Motion for Summary Judgment and the June 16, 2008 hearing on closing arguments after trial. Those two transcripts will be ordered.

II. STATEMENT OF THE ISSUES ON APPEAL

- Whether the district courts' Order Vacating the Arrest was based on improper factual findings, and/or was improper as a matter of law, including its finding of fact/conclusion of law that there was insufficient evidence of defendants' default to warrant the arrest;
- Whether the district court's Order Granting and Denying in Part plaintiff's Motion for Summary Judgment was based on proper factual findings and conclusions of law, including whether the defendants' lump-sum payment was a prepayment of defendants' monthly payment obligations under the note; and if so, were defendants therefore in default and the arrest lawful.
- Whether the district court's Judgment was based on proper factual findings and conclusions of law, including whether defendants' lump-sum payment was a prepayment of defendants' monthly payment obligations under the note;

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1 and if so, were defendants therefore in default and the arrest lawful; whether the attorneys'
2 fees provision in the note was reciprocal; and whether the defendants were the prevailing
3 party, given the court's findings that defendants owed plaintiff all of its claimed amounts
4 under the note.

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6 Dated: August 11, 2008

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

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10 By: 
11 Max L. Kelley

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